

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/17/08
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHELE J. LUONGO,

Plaintiff,

07 Civ. 11282 (LAP) (DFE)

- against -

MEMORANDUM AND ORDER

This is not an ECF case

ST. PAUL TRAVELERS,

Defendant.
-----x

DOUGLAS F. EATON, United States Magistrate Judge.

1. The District Judge assigned to this pro se employment discrimination case is District Judge Loretta S. Preska, and she has referred this case to me to conduct general pretrial supervision. This means that I will rule on pretrial scheduling and discovery, but any dispositive motions (such as dismissal motions) must be addressed to Judge Preska.

2. A review of the Court records indicates as follows. On December 14, 2007, Ms. Luongo filed the complaint and the Clerk's Office issued a summons to be served on St. Paul Travelers. I realize that the complaint lists five additional defendants (individual employees of St. Paul Travelers). However, Ms. Luongo brought her EEOC Charge of Discrimination solely against St. Paul Travelers, and Title VII provides solely for suits against the employer. Accordingly, the Clerk's Office correctly issued a summons to be served on St. Paul Travelers only.

3. To date, there is no proof that the summons and complaint have been served upon the defendant St. Paul Travelers. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint [i.e., by April 13, 2008], the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period...

4. I direct Ms. Luongo to complete all action needed for formal service of the summons and complaint upon St. Paul

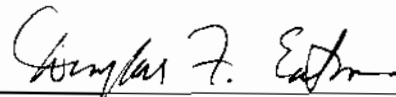
Travelers. If plaintiff has any questions, she should contact the Pro Se Office.

5. If plaintiff does not, by April 13, 2008, send me proof of service or good reasons for failure to make service, then I will recommend that the District Judge dismiss this lawsuit.

6. As soon as the defendant has been served with the summons and complaint, plaintiff must send written proof of service to the Pro Se Office (with a courtesy copy mailed directly to my chambers).

7. Plaintiff is required to give prompt written notice, to both the Pro Se Office and my chambers, about any change of her address. Failure to do so may result in a dismissal of the lawsuit.

8. The address of the Pro Se Office is Room 230, United States Courthouse, 500 Pearl Street, New York, NY 10007, and telephone number at 212 805-0175. They can provide assistance in connection with the Court's procedures, but they cannot give legal advice.



DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
Fax: (212) 805-6181

Dated: New York, New York
January 16, 2008

Copies of this Memorandum and Order are being mailed to:

Michele J. Luongo
133 River Road
Millington, NJ 07946

Pro Se Office
U.S. District Courthouse
500 Pearl Street, Room 230
New York, NY 10007

Hon. Loretta A. Preska